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10/029,636	12/18/2001	Richard Joseph Caballero	SBL0020C1US	5280

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EXAMINER

AL HASHEMI, SANA A

ART UNIT	PAPER NUMBER
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2169

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/029,636

Applicant(s)

CABALLERO ET AL.

Examiner

Sana Al-Hashemi

Art Unit

2169

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is issued in response to applicant amendment filed 6/25/08.

Claims 27-49 are pending. No Claims were added. Claims 1-26 were canceled.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 27-49 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker et al. (U.S. Patent 6,064,987).

Preliminary Note: The analysis of the following claims includes findings that certain claims contain features which are optionally recited, rather than mandatory features of the invention. Features which are optionally recited carry no patentable weight (MPEP 2106, Section C).

Claim 27: Walker et al. illustrates an order processing system (FIG. 4) contain various data structures (46-56).

A complex object is a row of data generated from a sales transaction, such as the row (130) in FIG. 5E. The complex object (130) defines a service profile since it provides a profile of

the sales information (136-146) associated with the sales transaction. The complex asset is the service of a sales transaction, represented by each complex asset.

Referring back to FIG. 4, the data manager is the database (42). The data manager (42) receives service profile information from point of sale (POS) terminals (20-24) via an external server (col. 5, lines 49-51). Business objects (installment plans-- FIG. 5E) are generated and correlated to each of the complex objects (row 130).

A transformation engine (program instructions 44 or software instructions within controller 40 in FIG. 4) generates plural complex objects (130-134) and their association to the business objects (installment plans).

The plural set of complex objects (130-134) are stored in an asset table (54).

Claim 28: The asset table (54) includes a base price (138) and a unique transaction identifier (140). The remaining sets of data are optionally recited and thus carry no patentable weight.

Claim 29: The "action code" appears to be a reference to one of types of data in claim 28, although it lacks antecedent basis to any claim. Since claim 28 makes clear that the asset table need only include one type of data, identified by the examiner as the "base price", the "action code" becomes an optional set of data and thus carries no patentable weight.

Claim 30-31 : Information within the asset table also becomes part of an order table (48 in FIG. 5B). Data is transferred to both tables when a new row of data is created with each sales transaction.

Claim 32: FIG. 5C illustrates a quote table representing alternating offers for a installment plan service provided to a customer. The table includes identifiers of the agreement

(interest rate 100) and a unique identifier ("A", "B", or "C" in column 96). The other forms of information are optionally recited and carry no patentable weight.

Claim 33: Claim 33 is addressed to an action code, which has been identified as one of the optionally recited features in claim 32. Since the action code and its associated features are optional, they carry no patentable weight.

Claim 34: If the customer accepts the quote for the installment plan, it becomes an order for that installment plan (abstract, last six lines).

Claim 35: FIG. 5C illustrates the multiple service quotes provided to one customer and from which the customer selects the desired quote.

Claim 36: The multiple quotes in FIG. 5C are associated with a service item (a loan).

Claim 37: FIG. 5E records the customer selected installment plan, the installment payment amount and purchase price. The data obtained at this point in the workflow derives from a "placed order", since all the terms of the sale are settled and recorded.

Claim 38: FIG. 5B illustrates the details of the order table (48). This table includes an identifier of an account billed (credit card account--column 78) and a unique identifier (transaction identifier in column 76). All the remaining features are optionally recited and carry no patentable weight.

Claims 39-40: The "action code" and status field" are optionally recited and thus carry no patentable weight.

Claim 41 : The asset (installment amount or purchase price) represents an installment plan product. The installment plan is part of a hierarchical set of installment plans ("A", "B" or

"C") as seen in FIG. 5C. Each installment plan is a "complex product", lacking any further definition a to what a "complex product" actually would be).

Claim 42: FIG. 12, lines 402-406 represent a product integration table. It includes fields for prices. The remaining items are optionally recited and carry no patentable weight.

Claim 43: Prices such as (402) and (404) are one time charges. The remaining features are optionally recited and carry no patentable weight.

Claim 44: There is no antecedent basis for the "order type". However, it appears to be related to the "track-as-asset" item from claim 42 and thus carries no patentable weight since it optionally recited.

Claim 45: There is no antecedent basis for "the order line item", so it can essentially refer to any row of data in any of the figures. The rows of data within the figures inherently include non-null fields. The data within non-null fields is new at the time it is entered.

Claim 46: Table (240) in FIG. 6 is a quote header table and includes an identifier of an agreement ("Plan B"). The remaining features are optionally recited and carry no patentable weight.

Claim 47: Table (210) in FIG. 6 is the order header table and includes the identifier of an account (credit card number).

Claim 48: See remarks for claims 46-47. When an order is placed by the consumer, data will fill both the order header and quote header tables, which means that at least the order head table is filled with data.

Claim 49: When an order is placed by the consumer, data will fill both the order and quote tables, which means that at least the order table is filled with data.

Response to Arguments

Applicant's arguments filed 6/25/08 have been fully considered but they are not persuasive.

It is a well settled rule that a reference must be considered not only for what it expressly teaches but also for what it fairly suggests. See *In re Burckel*, 592 F.2d 1175, 201 USPQ 67 (CCPA 1979) and *In re Lamberti*, 545 F.2d 747, 192 USPQ 278 (CCPA 1976) as well as *In re Bode*, 550 F.2d 656, 193 USPQ 12 (CCPA 1977) which indicates such fair suggestions to unpreferred embodiments must be considered even if they were not illustrated. Additionally, it is an equally well settled rule that what a reference can be said to fairly suggest relates to the concepts fairly contained therein, and is not limited by the specific structure chosen to illustrate such concepts. See *In re Bascom*, 230 F.2d 612, 109 USPQ 98 (CCPA 1956).

Applicant's first argument is that the reference to Walker is directed to a different scope and purpose.

Examiner disagrees. This argument is moot. The legal question under 35 USC 102 is whether the prior art anticipates certain claimed features, not whether its overall scope and purpose are identical to what is claimed.

Applicant argues that Walker lacks the claimed complex asset. This argument is not correct.

Examiner disagrees. Walker teaches a service in the form of a sales transaction which corresponds to the claimed complex asset.

Applicant also argues that terms "complex object comprises a service profile" suggests that the complex object is separate and distinct from the service profile.

Examiner does not find such claim language to suggest such a meaning. In Walker the complex object defines a service profile, and this is considered to be consistent with the claim language of "complex object comprises a service profile".

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sana Al-Hashemi whose telephone number is 571-272-4013. The examiner can normally be reached on 8Am-4:30Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pierre Vital can be reached on 571-272-4215. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sana Al-Hashemi/
Primary Examiner, Art Unit 2164